

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS DIVISION**

STAR CLAXTON and DENNIS CLAXTON	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	Marion County Circuit Court
CASEY’S GENERAL STORES, INC.	)	Case No. 2022LA19
	)	
Defendant.	)	<b>NOTICE OF REMOVAL OF</b>
	)	<b>ACTION UNDER 28 U.S.C.</b>
	)	<b>§1441(b)</b>
	)	<b>(DIVERSITY JURISDICTION)</b>
	)	
	)	<b>JURY TRIAL DEMANDED</b>

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that Defendant Casey’s General Stores, Inc. (hereinafter “*Defendant Casey’s*”) by and through its counsel, files this Notice of Removal of this cause from the Marion County Circuit Court, Case No. 2022LA19, where it is now pending, to the United States District Court for the Southern District of Illinois, East St. Louis Division and for grounds in support thereof, states as follows:

1. On May 5, 2022, Plaintiffs Star Claxton and Dennis Claxton (“*Plaintiffs*”) filed a Petition naming Defendant Casey’s in the above-referenced civil action, alleging injuries resulting from an alleged slip and fall by Ms. Claxton purportedly as a result of “a crate placed on the floor in her path that was not present on her first pass and on her return to the front of the store” at a convenience store in Centralia, Illinois on or about January 11, 2021.

2. Service was perfected on Defendant Casey’s on or about May 12, 2022. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b). A complete copy of the Marion County Circuit Court file is attached hereto as Defendant Casey’s **Exhibit A**.

3. Plaintiffs are citizens of the State of Illinois, residing in Marion County Illinois.

4. Defendant Casey's is incorporated in the State of Iowa and maintains its principal place of business at One SE Convenience Boulevard, Ankeny, Iowa 50021, and is licensed to do business in Illinois.

5. This is a civil action for alleged personal injuries by Plaintiffs which occurred allegedly when Plaintiff Star Claxton tripped and fell over a crate in an aisle while in the convenience store at 908 E. Noleman, Centralia, Illinois on or about January 11, 2021. (See ¶5 of Plaintiffs' Petition).

6. That based upon Plaintiff's Petition and information known to Defendant Casey's, the jurisdictional limit for this Court has been met and that Defendant Casey's has reasonable belief from the pleadings and proof adduced to the Court before trial, that the Plaintiffs' claimed damages are in excess of \$75,000, exclusive of costs.

7. Based on Plaintiffs' Complaint, undersigned counsel believes that Plaintiff claimed damages are greater than the jurisdictional amount as Plaintiff Star Claxton alleges her injuries:

are and were severe, permanent and progressive in nature, character and extent. Prior to Plaintiff's aforementioned slip and fall accident, said Plaintiff was without said impairments and disability. She has suffered, is suffering and will continue to suffer great physical and mental pain. Plaintiff is physically impaired now and will be in the future. (See ¶18 of Plaintiff's Petition).

8. On Defendant Casey's information and belief, based on the allegations of pain and suffering, allegations in the Complaint of the need of future medical treatment alleged by the Plaintiffs, several notices of liens from health care providers claiming liens in excess of \$10,000, along with Mr. Claxton's loss of consortium claim, there is a preponderance of evidence that Plaintiffs' claim is in excess of \$75,000, exclusive of interest and costs.

**WHEREFORE**, Defendant General Stores, Inc. notifies the Court of this Removal.

Dated: June 8, 2022,

Respectfully submitted,

**TEASDALE & ASSOCIATES, LLC**

/s/ Douglas S. Teasdale

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***Attorney for Defendant Casey's General  
Stores, Inc.***

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> day of June 2022, the foregoing document was filed electronically with the Clerk of the United States District Court for the Southern District of Illinois, East St. Louis Division to be served by operation of the Court's electronic filing system upon:

Christopher B. Daniels

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***Attorney for Plaintiffs Star Claxton  
and Dennis Claxton***

/s/ Douglas S. Teasdale

Douglas S. Teasdale